UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,673	11/21/2003	Khosro Khakzadi	03-1862/L13.12-0251	1314

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EXAMINER
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ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/719,673	KHAKZADI ET AL.
	Examiner	Art Unit
	Eric Wiener	2179

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>12 August 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1,5-16 and 19-28</u>.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   <u>See continuation sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Weilun Lo/	/Eric Wiener/
Supervisory Patent Examiner, Art Unit 2179	Examiner, Art Unit 2179

Continuation of 11.

    The Applicant has argued that Nahaboo does not suggest that the user of the applications allow for design and refinement of the interface "at run time of the graphical user interface," as recited in claim 1.
    The Examiner respectfully disagrees. Please refer to Nahaboo, column 6, lines 50-64 and column 7, line 55 - column 8, line 10, wherein it has been interpreted that the fact that the interpreter interprets all events that arise and that the system reacts in a purely dynamic manner means that the interpreted will interpret both saved user specified configuration scripts and configuration commands entered by a user from a command line in order to dynamically, and thus at run time, modify the interface. Furthermore, it has been interpreted that the editor serves to modify at run time, because a user edits the objects directly through the interface, and thus at a run time of the interface.

    The Applicant has argued that Dangelo does not disclose or suggest "a command interpreter" that "modifies the graphical user interface at run time of the graphical user interface," as recited in claim 1.
    In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

    The Applicant has argued that Nahaboo provides no suggestion or motivation for combining the interface development tool with the actual application that is executed by the user (and not the designer).
    The Applicant has argued that Nahaboo does not disclose or suggest that the user of the application (as opposed to the interface design tool) in any way specifies the interface.
    In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

    The Applicant has argued that the asserted combination of Nahaboo and Dangelo constitutes an impermissible hindsight reconstruction using the present application as a template to piece together elements from Nahaboo and Dangelo and that there is not teaching or suggestion to incorporate an interface design tool with an application that generates integrated circuit designs.
    The Examiner respectfully disagrees. In response to this argument, it has been determined that, because Nahaboo's invention is for an extremely flexible interface development tool that can be used regardless of the application (column 1, lines 29 – 31), and further because the nature of utilizing a graphical user interface in a circuit design process would allow for the specification and modification of the graphical user interface to produce a design (Dangelo, column 2, lines 62 – 65), and further because the design tools of Dangelo's interface may be specified for particular users (Dangelo, column 16, lines 16 – 42), Dangelo would thus look to Nahaboo regarding features of modifying a graphical user interface to produce a design. In addition, Nahaboo would look to Dangelo regarding adapting a modifiable graphical user interface to such applications as integrated circuit design, because an integrated circuit design application is one of many possible uses for Dangelo's invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Dangelo into the invention of Nahaboo.